

Remarks

In view of the above amendments to the claims and the following discussion, the applicants submit that the claims now pending in the application are not anticipated under the provisions of 35 U. S. C. § 102, or obvious under the provisions of 35 U. S. C. § 103. Thus, the applicants believe that all of these claims are in allowable form.

REJECTIONS**A. 35 U. S. C. § 102**

1. Claims 1, 4 and 11-13 are not anticipated by Furukawa et al.

Claims 1, 4 and 11-13 stand rejected under 35 U. S. C. § 102(b) as being anticipated by Furukawa et al. (U. S. Patent 6,388,960 issued May 14, 2002). The applicants submit that these claims are not anticipated by this reference.

Claims 1, 4 and 11-13 recite a method and apparatus, respectively, for determining the format of an optical recording medium (*see*, the specification at page 1, lines 5-9). The method includes the steps of reading the table of contents of a first session of the recording medium (*see*, FIG. 3 and the specification at page 13, lines 2-3), checking whether more than one track is present in the first session (*see*, FIG. 3 and page 13, lines 3-13), and determining the format of the recording medium to be audio if the checking step yields a positive result, and determining the format to be data else (*see*, FIG. 3 and the specification at page 13, lines 13-22).

Furukawa et al. discloses a method for determining the format of an optical recording medium according to the table of contents (TOC). As cited by the Examiner, Furukawa et al. discloses a method for determining the format of

an optical recording medium comprising a table of contents and one or more tracks, the method comprising the steps of:

- reading the table of contents (*see*, Furukawa et al. at column 6, lines 38-42); and

- determining the format of the recording medium to be a audio if this is indicated by the disk identifying information in the TOC information, and determining the format to be data else (*see*, Furukawa et al. at column 6, lines 52-55).

In contrast, claim 1 as amended contains the step of “checking whether more than one track is present in the first session”. The format of the recording medium is determined according to the results of this checking step. Furukawa et al. neither discloses nor gives a hint on checking whether more than one track is present in the first session and the consequences of such information for the disk discrimination decision. Furthermore, Furukawa et al. does not explicitly disclose that the disk can comprise more than one session and thus, does not disclose that is sufficient to examine the tracks of the first session for disk discrimination. Additionally, Furukawa et al. discloses to rely on the TOC entries for disk discrimination.

Following the teaching of Furukawa et al., a person skilled in the art would check the TOC entries of all tracks and decide afterwards about the type of disk. In contrast, in the solution according to claim 1 as amended, it is sufficient to identify more than one track in the first session. Afterwards, the disk is assumed to be an audio disk. This has the advantage that not all TOC entries have to be checked in case of an audio disk. This has the further advantage that in case a session contains tracks which are indicated as audio tracks and tracks which are (erroneously) indicated as data tracks in the TOC, the disk can still be discriminated and it is decided that the disk is an audio disk. Therefore, claim 1, 4 and 11-13 as amended are patentable over Furukawa et al.

Regarding new claim 15, Furukawa et al. discloses a method for determining the format of an optical recording medium comprising a table of contents and more than one track, the method comprising the steps of:

- reading the table of contents (see, Furukawa et al. at column 6, lines 38-42); and

- determining the format of the recording medium to be a audio if this is indicated by the disk identifying information in the TOC information, and determining the format to be data else (see, Furukawa et al. at column 6, lines 52-55).

Thus, Furukawa et al. discloses to rely on the TOC information for disk discrimination. Furukawa et al. neither discloses nor gives a hint that it is sufficient to check whether at least one track is indicated as being an audio track in the table of contents, which means in case that more than one track is present, not all tracks of the session have to be checked. In case more than one track is present in the first session as requested in the preamble of claim 15, according to the checking step of claim 15, after finding one track which is indicated as being an audio track in the table of contents, all other tracks are also assumed to be audio tracks. A further check if these tracks are also indicated as being audio in the table of content is obsolete. Thus, the indication in the table of content about the data type of the other tracks is ignored if at least one track is indicated as being an audio track. This is not disclosed by Furukawa et al. Further, Furukawa et al. even does not give a hint for such a disk discrimination method. In addition, Furukawa et al. does not explicitly disclose that the disk can comprise more than one session and thus, does not disclose that is sufficient for disk discrimination to examine the tracks of the first session. Therefore, new claim 15 is also patentable over Furukawa et al.

B. 35 U. S. C. § 103**1. Claims 2-3 and 5-7 are not unpatentable over Furukawa et al.**

Claims 2-3 and 5-7 stand rejected under 35 U. S. C. § 103(a) as being unpatentable over Furukawa et al. (U. S. Patent 6,388,960 issued May 14, 2002). The applicants submit that these claims are not rendered obvious by this reference.

Claims 2-3 and 5-7 depend directly, or indirectly, from claim 1 and recite a method and apparatus, respectively, for determining the format of an optical recording medium (*see*, the specification at page 1, lines 5-9). The method includes the steps of reading the table of contents of a first session of the recording medium (*see*, FIG. 3 and the specification at page 13, lines 2-3), checking whether more than one track is present in the first session (*see*, FIG. 3 and page 13, lines 3-13), and determining the format of the recording medium to be audio if the checking step yields a positive result, and determining the format to be data else (*see*, FIG. 3 and the specification at page 13, lines 13-22).

Furukawa et al. discloses a method for determining the format of an optical recording medium according to the table of contents (TOC). As cited by the Examiner, Furukawa et al. discloses a method for determining the format of an optical recording medium comprising a table of contents and one or more tracks, the method comprising the steps of:

- reading the table of contents (*see*, Furukawa et al. at column 6, lines 38-42); and
- determining the format of the recording medium to be a audio if this is indicated by the disk identifying information in the TOC information, and determining the format to be data else (*see*, Furukawa et al. at column 6, lines 52-55).

In contrast, claim 1 as amended contains the step of "checking whether more than one track is present in the first session". The format of the recording

medium is determined according to the results of this checking step. Furukawa et al. neither discloses nor gives a hint on checking whether more than one track is present in the first session and the consequences of such information for the disk discrimination decision. Furthermore, Furukawa et al. does not explicitly disclose that the disk can comprise more than one session and thus, does not disclose that is sufficient to examine the tracks of the first session for disk discrimination. Additionally, Furukawa et al. discloses to rely on the TOC entries for disk discrimination.

Following the teaching of Furukawa et al., a person skilled in the art would check the TOC entries of all tracks and decide afterwards about the type of disk. In contrast, in the solution according to claim 1 as amended, it is sufficient to identify more than one track in the first session. Afterwards, the disk is assumed to be an audio disk. This has the advantage that not all TOC entries have to be checked in case of an audio disk. This has the further advantage that in case a session contains tracks which are indicated as audio tracks and tracks which are (erroneously) indicated as data tracks in the TOC, the disk can still be discriminated and it is decided that the disk is an audio disk. Therefore, claims 2-3 and 5-7 are patentable over Furukawa et al.

2. Claims 9-10 are not unpatentable over Furukawa et al. in view of Hagashi

Claims 9-10 stand rejected under 35 U. S. C. § 103(a) as being unpatentable over Furukawa et al. (U. S. Patent 6,388,960 issued May 14, 2002) in view of Hagashi (U. S. Patent 7,154,822 issued December 26, 2006). The applicants submit that these claims are not rendered obvious by the combination of these references.

Claims 9-10 depend directly, or indirectly, from claim 1 and recite a method and apparatus, respectively, for determining the format of an optical recording medium (see, the specification at page 1, lines 5-9). The method includes the steps of reading the table of contents of a first session of the

recording medium (*see*, FIG. 3 and the specification at page 13, lines 2-3), checking whether more than one track is present in the first session (*see*, FIG. 3 and page 13, lines 3-13), and determining the format of the recording medium to be audio if the checking step yields a positive result, and determining the format to be data else (*see*, FIG. 3 and the specification at page 13, lines 13-22).

Furukawa et al. discloses a method for determining the format of an optical recording medium according to the table of contents (TOC). As cited by the Examiner, Furukawa et al. discloses a method for determining the format of an optical recording medium comprising a table of contents and one or more tracks, the method comprising the steps of:

- reading the table of contents (*see*, Furukawa et al. at column 6, lines 38-42); and
- determining the format of the recording medium to be a audio if this is indicated by the disk identifying information in the TOC information, and determining the format to be data else (*see*, Furukawa et al. at column 6, lines 52-55).

In contrast, claim 1 as amended contains the step of “checking whether more than one track is present in the first session”. The format of the recording medium is determined according to the results of this checking step. Furukawa et al. neither discloses nor gives a hint on checking whether more than one track is present in the first session and the consequences of such information for the disk discrimination decision. Furthermore, Furukawa et al. does not explicitly disclose that the disk can comprise more than one session and thus, does not disclose that is sufficient to examine the tracks of the first session for disk discrimination. Additionally, Furukawa et al. discloses to rely on the TOC entries for disk discrimination.

Following the teaching of Furukawa et al., a person skilled in the art would check the TOC entries of all tracks and decide afterwards about the type of disk. In contrast, in the solution according to claim 1 as amended, it is sufficient to identify more than one track in the first session. Afterwards, the disk is assumed

to be an audio disk. This has the advantage that not all TOC entries have to be checked in case of an audio disk. This has the further advantage that in case a session contains tracks which are indicated as audio tracks and tracks which are (erroneously) indicated as data tracks in the TOC, the disk can still be discriminated and it is decided that the disk is an audio disk. Therefore, claims 9-10 are patentable over Furukawa et al.

Higashi describes a method of adapting data in the TOC to values corresponding to control bits and address data (see, Higashi at column 8, lines 17-20).

In contrast, claim 1 as amended contains the step of "checking whether more than one track is present in the first session". The format of the recording medium is determined according to the results of this checking step. Higashi neither discloses nor gives a hint on checking whether more than one track is present in the first session and the consequences of such information for the disk discrimination decision. Furthermore, Higashi does not disclose that the disk can comprise more than one session and thus, does not disclose that is sufficient to examine the tracks of the first session for disk discrimination. Thus, claims 9-10 are patentable over the combination of Furukawa et al. in view of Higashi.

CONCLUSION

Thus, the applicants submit that none of the claims presently in the application are anticipated under the provisions of 35 U. S. C. § 102, or obvious under the provisions of 35 U. S. C. § 103. Consequently, the applicants believe that all of the claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

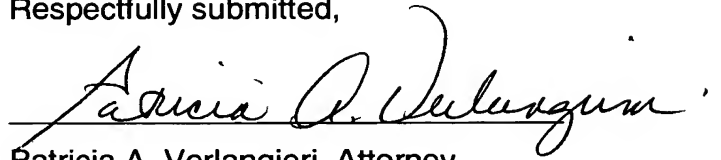
If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Ms. Patricia A. Verlangieri, at (609)

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734-6867, so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

A handwritten signature in cursive script, reading "Patricia A. Verlangieri", written over a horizontal line.

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